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COMMITTEE ON THE RIGHTS OF THE CHILD

Seventeenth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Ireland

1. The Committee considered the initial report of Ireland (CRC/C/11/Add.12) at its 436th to 438th meetings (CRC/C/SR.436-438), on 12 and 13 January 1998, and adopted* the following concluding observations:

A. Introduction

2. The Committee expresses its appreciation to the State party for its comprehensive report, which has been prepared in conformity with the Committee's guidelines, and for the submission of written replies to its list of issues, which were communicated to it before the session, as well as the detailed additional information provided during the course of the discussion, which enabled the Committee to assess the situation of the rights of the child in Ireland. The Committee further welcomes the constructive, frank and open dialogue with the delegation of the State party.

B. Positive aspects

3. The Committee appreciates the State party's commitment to adopting further measures for the implementation of the rights of the child as recognized in the Convention. The Committee notes with satisfaction the welfare services established for the benefit of children and their families. The Committee also appreciates the high level of education and advanced health system established in the State party.

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* At the 453rd meeting, held on 23 January 1998.

4. The Committee notes the recent efforts undertaken by the State party in the field of law reform. The Committee welcomes the planned constitutional revision for the incorporation of the principles and provisions of the Convention. The Committee also welcomes the enactment of the Child Care Act of 1991 and its amended version of 1997, the Family Law Act of 1995, the Domestic Violence Act of 1996, the Family Law (Divorce) Act of 1996 and the drafting of the Education and Adoption Bills.

5. The Committee commends the numerous efforts and concrete measures taken by the State party to protect children from sexual exploitation, including sex tourism. The Committee also especially welcomes the enactment of the Sexual Offences (Jurisdiction) Act of 1996 and the drafting of the Child Trafficking and Pornography Bill of 1997, which, inter alia, awards jurisdiction to domestic courts to prosecute citizens and/or residents who engaged in child sex tourism abroad as well as those who organize and publicize child sex tourism in the State party.

C. Principal subjects of concern

6. The Committee regrets that the State party's approach to the rights of the child appears to be somewhat fragmented, as there is no comprehensive national policy which fully incorporates the principles and provisions of the Convention, encompassing all the areas covered by the Convention.

7. The Committee is also concerned that the welfare policies and practices prevailing in the State party do not adequately reflect the child rights-based approach enshrined in the Convention. In addition, the Committee is concerned that not enough emphasis is placed on measures of a preventive nature.

8. While noting the establishment of various government bodies responsible for the welfare of children at the national and local levels, the Committee regrets the lack of adequate coordination among these bodies in promoting and protecting the rights of the child.

9. While the Committee welcomes the decision to establish a Social Services Inspectorate as supervising mechanism, it remains concerned about the lack of an independent monitoring mechanism such as an Ombudsperson or a Child Rights Commissioner who would be accessible to children and would deal with complaints of violations of their rights and provide remedies.

10. The Committee draws the attention of the State party to certain lacunae in the statistical and other information collected by the State party, including with respect to the selection and development of indicators to monitor the implementation of the principles and provisions of the Convention. The Committee notes that in certain instances statistics on the situation of children are being collected only for children up to the age of 15.

11. The Committee is of the view that insufficient steps have been taken to promote widespread awareness of the Convention, and remains concerned at the lack of adequate and systematic training on the principles and provisions of the Convention for professional groups working with and for children, such as

judges, lawyers, law enforcement personnel, including police officers, health professionals, teachers, social workers, community workers and personnel working in institutions for children.

12. Although the Committee welcomes the willingness of the State party to collaborate with non-governmental organizations, it is of concern that the potential of the non-governmental sector in contributing to the development of children's rights' policy is not fully realized.

13. In relation to the definition of the child (article 1 of the Convention), the Committee is concerned at the various low age-limits set in the domestic legislation of the State party.

14. With respect to the principle of non-discrimination (article 2 of the Convention) the Committee is concerned by the disparities with regard to access to education and health services. While recognizing the steps already taken, the Committee notes with concern the difficulties still faced by children from vulnerable and disadvantaged groups, including children belonging to the Traveller community, children from poor families and refugee children, as to the enjoyment of their fundamental rights, including access to education, housing and health services.

15. Regarding the implementation of article 12 of the Convention, the Committee is concerned that the views of the child are not generally taken into account, including within the family, at schools and in society. The Committee is also concerned that procedures for hearing children are not fully considered in the legislation.

16. The Committee is concerned about the lack of prohibition in legislation of corporal punishment within the family. In the view of the Committee, this contravenes the principles and provisions of the Convention. The Committee is also concerned about the existence of child abuse and violence within the family and the lack of mandatory reporting mechanisms for cases of child abuse.

17. The Committee is concerned about the disadvantaged situation of children born of unmarried parents due to the lack of appropriate procedures to name the father in the birth registration of the child. This also has an adverse impact on the implementation of other rights in relation to adoption which, under current regulations, can take place without the consent of the father. The Committee is further concerned about the lack of guarantees for the child to maintain contact with both parents after divorce.

18. The Committee is concerned about the low rate of breastfeeding in the State party and the lack of awareness of its positive impact on children's health.

19. The Committee is concerned about the incidence of teenage suicide. The Committee is also concerned at the lack of adequate programmes addressing adolescent health-related problems, such as drug and alcohol abuse and early pregnancies.

20. The Committee is concerned about the lack of a national policy to ensure the rights of children with disabilities and the lack of adequate programmes and services addressing the mental health of children and their families.

21. While acknowledging the existence of a National Anti-Poverty Strategy, the Committee is particularly concerned about the incidence of child poverty and homeless children in the State party and encourages it to strengthen measures and programmes for the protection of the rights of the most vulnerable children.

22. The Committee is concerned about the situation of children who are excluded from schools because of sanctions imposed by teachers and the adverse effect generated which may sometimes impact on drop-out rates and school attendance.

23. The Committee is concerned about the low age of criminal responsibility and the treatment of children deprived of their liberty, particularly in light of the principles and provisions of the Convention and other relevant international standards such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty.

E. Suggestions and recommendations

24. The Committee recommends that the State party take all appropriate measures to accelerate the implementation of the recommendations of the Constitutional Review Group for the inclusion of all the principles and provisions of the Convention and the implementation of the Child Care Act of 1997, thereby reinforcing the status of the child as a full subject of rights.

25. In view of the fact that the Convention can only be referred to before the courts as a means of interpretation of national legislation, the Committee recommends that the State party take further steps to ensure that the Convention is fully incorporated as part of the domestic law, taking due account of its general principles as defined in article 2 (non-discrimination), article 3 (best interests of the child), article 6 (right to life, survival and development) and article 12 (respect for the views of the child).

26. The Committee encourages the State party to consider ratifying the International Convention against All Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

27. The Committee encourages the State party to ensure the full implementation of article 4 of the Convention. In the light of the general principles of the Convention, in particular the best interests of the child, the Committee also emphasizes the need to take immediate steps to tackle the problem of child poverty and to make all possible efforts to ensure that all

families have adequate resources and facilities. The Committee also encourages the State party to use the principles and provisions of the Convention as a framework for its programmes of international development assistance.

28. The Committee suggests that the State party adopt a comprehensive National Strategy for Children, incorporating the principles and provisions of the Convention in a systematic manner in the designing of all its policies and programmes.

29. The Committee, while noting the position of the State party, recommends that it reconsider the establishment of an independent monitoring body, such as an Ombudsperson or a Child Rights Commissioner, to address children's rights violations.

30. The Committee recommends that coordination between the different government bodies dealing with children's rights be strengthened. In this regard, the Committee recommends that the State party concentrate in a single body the mandate to coordinate and make the appropriate decisions to protect the rights of the child.

31. The Committee recommends that the system of data collection and development of indicators be adjusted to include all children up to the age of 18, with a view to incorporating all the areas covered by the Convention. Such a system should include all children, with specific emphasis on vulnerable children and children in especially difficult circumstances. Adequate disaggregated data should be gathered and analysed in order to monitor and assess progress achieved in the realization of children's rights and to help define policies to be adopted to strengthen the implementation of the provisions of the Convention.

32. The Committee encourages the State party to continue and strengthen its efforts to develop a closer relationship with non-governmental organizations (NGOs).

33. The Committee recommends that the State party promote human rights education in the country and create a wider awareness and understanding of the principles and provisions of the Convention. The Committee also encourages the State party in its current efforts to develop a systematic information campaign on children's rights for children and adults alike. Furthermore, children's rights should be incorporated in the curricula of all educational and pedagogical institutions and comprehensive training programmes on the Convention should be conducted for professional groups working with and for children such as judges, lawyers, law enforcement personnel, including police officers, immigration officers, health professionals, teachers, social and community workers, and personnel working in child-care institutions.

34. The Committee recommends that the State party strengthen its efforts to ensure that children from vulnerable and disadvantaged groups, including children belonging to the Traveller community, children living in poverty and refugee children, benefit from positive measures aimed at facilitating access to education, housing and health services.

35. The Committee recommends that the State party systematically promote and facilitate children's participation and respect for their views in decisions and policies affecting them, especially through dialogue in the family, at school and in society, in light of articles 12, 13 and 15 of the Convention.

36. The Committee recommends that the State party take appropriate measures to establish, as far as possible, procedures for the inclusion of the name of the father on the birth certificates of children born of unmarried parents.

37. The Committee recommends the State party to implement the World Health Assembly resolution on infant feeding.

38. The Committee recommends that in light of article 23 of the Convention, the State party should develop programmes to facilitate the active participation in the community of children with disabilities. The Committee also encourages the State party to pursue further efforts to ensure the implementation of integrated mental health programmes and approaches and to make available the necessary resources and assistance for these activities.

39. The Committee suggests that the State party take all appropriate measures, including of a legislative nature, to prohibit and eliminate the use of corporal punishment within the family. The Committee also suggests that awareness-raising campaigns be conducted to ensure that alternative forms of discipline are administered in a manner consistent with the child's human dignity and in conformity with the Convention. The Committee also believes that cases of abuse and ill-treatment of children, including sexual abuse within the family, should be properly investigated, sanctions applied to perpetrators and publicity given to decisions taken, with due regard to the principle of respect for the child's privacy.

40. The Committee recommends that the State party take all available measures to ensure the prompt enactment of the Children Bill of 1996, especially in relation to the administration of the juvenile justice system, with due regard to the principles and provisions of the Convention and other relevant international standards such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty.

41. Finally, the Committee recommends that, in light of article 44, paragraph 6, of the Convention, the initial report and written replies presented by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring withing the Government, the Parliament and the general public, including concerned NGOs.